

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	Cause No. 4:11CV01975 CEJ
v.)	
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

**MOTION FOR SANCTIONS (DISMISSAL) OF DEFENDANTS ST. LOUIS
METROPOLITAN POLICE DEPARTMENT, BOARD OF POLICE COMMISSIONERS
OF THE ST. LOUIS METROPOLITAN POLICE DEPARTMENT, RICHARD GRAY,
JERRY LEE, BETTYE BATTLE-TURNER, THOMAS IRWIN AND FRANCIS SLAY**

Come now Defendants St. Louis Metropolitan Police Department; Board of Police Commissioners of the St. Louis Metropolitan Police Department; Richard Gray, Jerry Lee, Bettye Battle-Turner, Thomas Irwin¹, and Francis Slay, in their official capacities as the Board of Police Commissioners of the St. Louis Metropolitan Police Department (hereinafter referred to collectively as “Police Defendants”), pursuant to Rule 37 and E.D.Mo. L.R. 7-4.01, and move for sanctions, specifically, the sanction of dismissal, as to Plaintiffs for failure to comply with a court order, and in support thereof state as follows:

1. On July 5, 2012, Police Defendants propounded Interrogatories to Plaintiffs, and each of them, in this action; Plaintiffs, and each of them, failed to answer said Interrogatories within the requisite time and, even after Police Defendants, through counsel, attempted in good faith to confer with Plaintiffs’ counsel, received no responses.

2. On August 14, 2012, Police Defendants filed a Motion to Compel Answers to

¹ Identified in the First Amended Complaint as “Thomas Irvin.”

Interrogatories directed to Plaintiffs, and each of them (Doc. #58).

3. On August 28, 2012, this Court granted Police Defendants' Motion to Compel, ordering Plaintiffs to answer said Interrogatories by September 7, 2012, and stating that failure to comply with this Order may result in the imposition of sanction as authorized by Rule 37(b), including dismissal of the action (Doc. #60).

4. Police Defendants did not receive any Answers to Interrogatories by or before September 7, 2012.

5. The deadline for discovery set out in the Case Management Order, August 15, 2012, has now expired.

6. Police Defendants have been prejudiced by each Plaintiff's refusal to answer Interrogatories propounded to him or her.

7. In light of the previously entered Order compelling Plaintiffs to answer Interrogatories by September 7, 2012, Police Defendants submit that the appropriate sanction is dismissal of the action.

WHEREFORE, Police Defendants pray this Court for an Order dismissing the instant action in its entirety, and for their costs incurred herein.

BOARD OF POLICE COMMISSIONERS
OF THE CITY OF ST. LOUIS

/s/ Mark Lawson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of the Court on September 11, 2012, to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Mark Lawson
